

REMARKS

Applicant respectfully requests entry of the amendments and remarks submitted herein. Claim 1 is amended, and claims 4-6, 19 and 23 are canceled. Therefore, claims 1-3, 7-18 and 22 are currently pending.

I. The Rejection of the Claims under 35 U.S.C. 112, First Paragraph (Enablement)

The Examiner rejected claims 1-5, 7-18 and 22 under 35 U.S.C. 112, first paragraph, alleging that the specification does not reasonably provide enablement for a diagnostic method for predicting the recurrence of a tumor or cancer in any mammal by calculating the protein ratio of Survivin to PAF wherein the ratio more than about 1.5 is predictive that the tumor will recur. Applicant respectfully disagrees. However, solely to expedite prosecution, claim 1 is amended to include the limitation of claim 6 that the PAF is Fas. As the Examiner indicated that claim 6 was allowable, Applicant respectfully submits that the claims are in condition for allowance.

II. Allowable Subject Matter

The Examiner indicated that claim 6 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitation of the base claim and any of the intervening claims. Claim 6 depended directly from claim 1. Claim 1 is amended to include the limitation of claim 6. Thus, Applicant submits that the claims are in condition for allowance.

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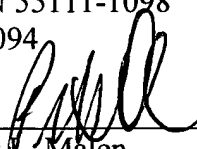
CONCLUSION

The Examiner is invited to contact Applicant's Representative at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3503. If any extensions of time are needed for timely acceptance of papers, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account 50-3503.

Respectfully submitted,
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